



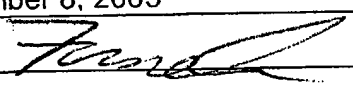
Best Available Copy

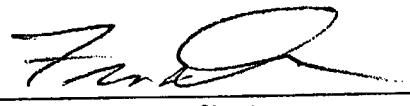
Date Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) YOR919990114US1 (8728-271 US)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>December 8, 2005</u></p> <p>Signature <u></u></p> <p>Typed or printed name <u>Frank V. DeRosa</u></p>		Application Number <u>09/806,549</u>	Filed <u>June 25, 2001</u>
		First Named Inventor <u>Stephane H. Maes</u>	
		Art Unit <u>2655</u>	Examiner <u>Michael N. Opsasnick</u>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>43,584</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <p><input type="checkbox"/> Total of _____ forms are submitted.</p>			


Signature
Frank V. DeRosa
Typed or printed name
516-692-8888
Telephone number
December 8, 2005
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Best Available Copy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephane Maes

Examiner: Opsasnick, Micheal N.

Serial No.: 09/806,549

Group: Art Unit 2655

Filed: June 25, 2001

Docket: YOR919990114US1 (8728-271)

For: **STRUCTURE SKELETONS FOR EFFICIENT VOICE
NAVIGATION THROUGH GENERIC HIERARCHICAL OBJECTS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313

Statement in Support of Request for Pre-Appeal Brief Review

This is in response to the Final Office Action mailed on September 8, 2005. Applicant has filed herewith a Notice of Appeal and Pre-Appeal Brief Request for review, and submits this statement in support of the pre-appeal brief request for review.

CERTIFICATE OF MAILING 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below.

Date:

12/8/05

Frank DeRosa

Best Available Copy

Claims 1-26 are pending in the application and stand finally rejected 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,721,827 to Logan et al. in view of U.S. Patent No. 6,269,336 to Ladd et al. Applicant respectfully submits that the obviousness rejections of claims 1-26 as set forth in the Final Office Action are factually and legally erroneous and fail, at the very least, to present a *prima facie* case of obviousness against claim 1.

On a factual basis, the combined teachings of Logan and Ladd do not disclose or suggest a *hierarchical structured document* that includes a *mapping of content pages* that can be accessed from a server or a *mapping of logic of dialog services* that can be accessed from the server, much less *wherein the hierarchical document is processed by a client to activate the content pages or the logic of the dialog services within the hierarchical structured document so as to allow a user to directly access any one of the content pages or dialog services*, as essentially claimed in claim 1. Indeed, the Examiner's reliance on the teachings of Logan and Ladd to derive the invention of claim 1 is seemingly erroneous, as the subject matters of Logan and Ladd are unrelated and irrelevant with respect to the claimed inventions.

More specifically, in the first instance, the Examiner's reliance on Logan is entirely unclear. In the Final Office Action, the Examiner appears to rely on Logan as disclosing the claimed *hierarchical structured document* that includes a *mapping of content pages ... or mapping of logic of dialog services*, but there is no clear explanation or support for this position in any Office Action issued in this case, despite Applicant having raised this issue several times.

Logan discloses a playback unit (103) that receives programs segments received from a host system and includes methods for navigating the program segments (see Abstract). Logan teaches the use of hyperlink jumps in a "current selections list" for user navigation of program

Best Available Copy

segments during a playback session. However, the “current selections list” is clearly not a hierarchical structured document which allows a user to *directly access any one of the content pages or dialog services*. Indeed, Logan specifically teaches that when a hyperlink is directed to a program segment that is not present in a “current selections list”, the program segment is “not currently available” if such segment is not locally stored (see, Col. 29, line 62- Col. 30, line 7). In other words, program navigation is a local function that is applied only to currently downloaded program sequence file (see, e.g., Col. 7, lines 23-45).

Moreover, the teachings of Ladd as relied on by the Examiner are even more remote and irrelevant with respect to the claimed invention. In particular, the Examiner states that Ladd teaches (Col. 9, lines 1-10) “the allowance of the user to access the dialog service and content pages via a server”. It is unclear as to what relevancy, if any, this teaching has to “*wherein the client processes the at least one hierarchical document to activate the content pages or the logic of the dialog services within the at least one hierarchical document so as to allow the user to directly access any one of the content pages or dialog services .*”


Overall, on a legal basis, the Examiner has failed to address, or otherwise explain with any reasonable degree of specificity, how the combined teachings of Logan and Ladd disclose or suggest the claimed “hierarchical document”, much less the *hiearchical document being activated client-side to enable direct access to content or services of a web site*. As explained in Applicant’s specification, the claimed inventions allow user to shortcut conversational navigation through, e.g., multiple content pages, dialog components, or NLU dialog forms of a given site to readily and directly access information of interest. The hierarchical document (or structure skeleton) provides information that allows a user to quickly browse through the site or available

Best Available Copy

service without having to follow and listen to every possible page leading to the desired service or transaction. Neither Logan nor Ladd, singularly or in combination, teach or suggest methods that address the fundamental concepts and purposes of the claimed inventions. In this regard, the obviousness rejections are seemingly based on impermissible hindsight reasoning with the Examiner picking and selecting irrelevant teachings of the cited references in an effort to derive the claimed inventions without articulating the proper context, suggestion or motivation.

Accordingly, withdrawal of the claim rejections is requested.

Respectfully submitted,


Frank DeRosa
Reg. No. 43,584

F. Chau & Associates, LLC
130 Woodbury Road,
Woodbury, New York, 11797
TEL.: (516) 692-8888
FAX: (516) 692-8889